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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,190	11/23/1999	HIROMI YOSHINARI	450106-4749	3610
20999	7590	07/08/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			BURD, KEVIN MICHAEL	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/381,190

Applicant(s)

YOSHINARI ET AL.

Examiner

Kevin M. Burd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/24/2005 has been entered.

***Response to Arguments***

2. The rejection of claims 1-27 under 35 USC 112, first paragraph is withdrawn.
3. Applicant's arguments on pages 16 and 17 of the amendment filed 6/24/2005, with respect to the rejections of the claims have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in view of Tanoi (US 5,929,898).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanoi (US 5,929,898).

Regarding claims 1, 8, 15, 16 and 19, Tanoi discloses an editing system for editing base band signals shown in figure 2. The system included a first decoder 14-1 that receives a first audio/video bit stream 101-1 and outputs signal 102-1. A second decoder 14-N decodes a second audio/video bit stream 101-N and outputs a second signal 102-N. The first bit stream is different than the second bit stream. Predetermined signals are provided to the encoder controller 21. The predetermined signals are invalid block signals, moving vector signals, etc (column 5, lines 28-34). Picture combining section 15 is connected to the decoders and encoder 16 encoded the selected signal (column 4, lines 25-54). Each of the divisional picture signals included in the combined signal is encoded by the use of individual quantizing characteristic controlled by the controlling signal (abstract). A timing signal is produced that is synchronous with a frame of the combined signal 103 and provides an operation timing of the encoder controller 21 (column 5, lines 38-41).

Regarding claims 2, 9, 17 and 20, the combination of the data streams is done as stated in column 4, lines 25-54.

Regarding claims 3 and 10, the first and second base band signals are re-encoded in the picture combining section 15 and encoder 16.

Regarding claims 4 and 11, the encoded data is output of the data exchanger 13, which is connected to the network 11 (figure 2 and column 3, lines 63-67).

Regarding claims 5-7 and 12-14, the inputted bit streams are video data streams. The video can contain any type of information.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanoi (US 5,929,898).

Regarding claims 18 and 21, Tanoi discloses a method of combining compressed video streams as stated above. Tanoi does not disclose storing the output of the decoders or storing the codec information. However, it would have been obvious for one of ordinary skill in the art at the time of the invention to store this information. If errors were to occur at the output of the system, error checks at each stage of the re-encoding process would be possible. Eliminating the need to check each step of the re-encoding process if the output from each component was known would reduce the error correction process time.

Regarding claims 22-27, Tanoi discloses an editing system for editing base band signals shown in figure 2. The system included a first decoder 14-1 that receives a first audio/video bit stream 101-1 and outputs signal 102-1. A second decoder 14-N decodes a second audio/video bit stream 101-N and outputs a second signal 102-N. The first bit

stream is different than the second bit stream. Predetermined signals are provided to the encoder controller 21. The predetermined signals are invalid block signals, moving vector signals, etc (column 5, lines 28-34). Picture combining section 15 is connected to the decoders and encoder 16 encoded the selected signal (column 4, lines 25-54). Each of the divisional picture signals included in the combined signal is encoded by the use of individual quantizing characteristic controlled by the controlling signal (abstract). A timing signal is produced that is synchronous with a frame of the combined signal 103 and provides an operation timing of the encoder controller 21 (column 5, lines 38-41). Tanoi does not disclose storing the output of the decoders or storing the codec information. However, it would have been obvious for one of ordinary skill in the art at the time of the invention to store this information. If errors were to occur at the output of the system, error checks at each stage of the re-encoding process would be possible. Eliminating the need to check each step of the re-encoding process if the output from each component was known would reduce the error correction process time.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin M. Burd  
7/6/2005

**KEVIN BURD**  
**PRIMARY EXAMINER**